

REMARKS

Claims 1-30 are pending. By this amendment claims 8 and 19 are being amended. In the Office Action dated February 12, 2009, claims 8 and 19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claims 1-30 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 42 of copending U.S. Patent Application No. 11/417,389 to Janzen ("389") in view of Ryan and Schumacher.

The Applicant would like to thank the Examiner for the telephone interview conducted on March 12, 2009. During the interview the Examiner stated that the rejection described on page 6 is part of the nonstatutory obviousness-type double patenting rejection.

Regarding the rejection to claims 8 and 19 under 35 U.S.C. §112, second paragraph, claims 8 and 19 have been amended to recite that each of the memory device includes a *respective* data bus, and wherein the *respective* data bus of half the memory devices are 4-bits wide and the *respective* data bus of the other half of the memory devices are 5 bits wide. This amendment resolves the antecedent basis. Therefore, the rejection to claims 8 and 19 should be withdrawn.

Regarding the provisional nonstatutory obviousness-type double patenting (ODP) rejection, the MPEP states that if a provisional nonstatutory ODP rejection is the only rejection remaining in the earlier filed application of two applications and the later filed application is rejectable on other grounds, then the Examiner should withdraw the rejection from the earlier filed application and allow the patent to issue without a terminal disclaimer. (See, MPEP 804 I.B.1.) This application was filed on April 8, 2004, and the '389 application was filed on May 3, 2006. The '389 application has claims rejected under grounds other than ODP and is currently under appeal. Therefore, because this application is the earlier filed application and claims are rejected in the '389 patent, Applicant is not filing a terminal disclaimer with this response and the Examiner should withdraw the ODP rejection.

All of the claims remaining in the application are therefore allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

DORSEY & WHITNEY LLP

A handwritten signature in black ink, appearing to read "Karen Henckel", written over the printed name.

Karen Henckel

Registration No. 58,371

Telephone No. (206) 903-2399

KH:

DORSEY & WHITNEY LLP
1420 Fifth Avenue, Suite 3400
Seattle, Washington 98101-4010
(206) 903-8800 (telephone)
(206) 903-8820 (fax)

h:\ip\clients\micron technology\1200\501286.01\501286.01 amend af 021209.doc